



Docket No.: 1713.1009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Shinichiro AKIEDA, et al..

Group Art Unit: 2874

Serial No. 10/735,928

Examiner: Kim, Ellen E.

Filed: December 16, 2003

For: INPUT DEVICE

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in the Notice of Allowability, mailed December 1, 2005.

As specified in MPEP 1302.14, "care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." It is submitted that the Examiner's Statement does not meet these standards and, instead, raises "possible misinterpretations... and possible estoppel effects" (MPEP 1302.14) and, accordingly, should be disregarded.

For example, the Examiner's Statement is based on generally common recitations appearing in the 3rd through 7th paragraphs in the bodies of independent claims 1 and 2. The Examiner's Statement does not acknowledge that independent claims 3 and 4, generally parallel in their recitations relatively to claims 1 and 2, nevertheless recite first and second "holding" members as distinguished from the first and second "guide" members of claims 1 and 2. The Examiner's statement thus does not acknowledge the delineation between the recitations of these two different sets of claims.

Furthermore, the Examiner's Statement overlooks independent claim 32, which was newly added by the Response filed September 9, 2005m which traversed the Election of Species Requirement in the Office Action mailed August 9, 2005. Particularly, whereas the Action asserted that no generic claims were present, the Response urged that claim 32 is generic - - and thus encompasses all of claims 1-4 and is not restricted in scope to the recitations of those claims. The ultimate allowance of the original claims 1-31 and the newly added independent claim 32 indicates the Examiner's acceptance of Applicant's contention that claim 32 is generic. Accordingly, the Examiner's Statement is defective for failure to address the limitations of claim 32 thereby to acknowledge the different scope of claim 32 relative to claims 1-4.

The Examiner's statement thus raises possible misinterpretations on the scope and/or interpretations of the recitations of claim 32 versus claims 1 and 2 and versus claims 3 and 4.

It follows that the best explanation for the reasons for the allowance of these claims is the clear recitations of those claims themselves.

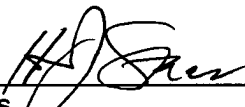
Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

Feb. 8, 2006

By: _____



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